

ILLINOIS POLLUTION CONTROL BOARD
August 11, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-85
) (Enforcement - Water)
COOK-ILLINOIS CORP., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by A. Palivos):

On June 13, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Cook-Illinois Corp. (Cook-Illinois). Cook-Illinois owns and operates subsidiaries including Lakeside Transportation (Lakeside). The complaint concerns Lakeside's school bus transportation and maintenance facility located at 2794 North Northwestern Avenue in Waukegan, Lake County. Accompanying the complaint was a stipulation, proposal for settlement and request for relief from hearing requirement. On June 23, 2022, the Board accepted the complaint. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. See 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Cook-Illinois violated Sections 12(f) of the Act (415 ILCS 5/12(f) (2020)) and Section 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 305.102(b), 309.102(a)) by discharging stormwater associated with industrial activity without obtaining coverage under the NPDES General Stormwater Permit for Industrial Activities.

On June 13, 2022, simultaneously with the People's complaint, the People and Cook-Illinois filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. On June 27, 2022, the newspaper notice was published in the *Daily Herald*. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Cook-Illinois' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Cook-Illinois does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Cook-Illinois agrees to pay a civil penalty of \$10,000 within 30 days after the date of this order. The People and Cook-Illinois have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Cook-Illinois must pay a civil penalty of \$10,000 no later than September 12, 2022, which is the first business day following the 30th day after the date of this order. Cook-Illinois must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Cook-Illinois must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Cook-Illinois must send a copy of the certified check or money order and any transmittal letter to:

Audrey Avila
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, IL 60602
Audrey.Avila@ilag.gov

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Cook-Illinois must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Office of Illinois Attorney General Attn: Audrey Avila 69 West Washington Street, Suite 1800 Chicago, IL 60602 Audrey.Avila@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605
Cook-Illinois Corp. Attn: Anthony Benish, Registered Agent 2100 Clearwater Drive, Suite 250 Oak Brook, Illinois 60523	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 11, 2022, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board